

TITLE 3.—THE PRESIDENT

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Chapter 1.—PRESIDENTIAL ELECTIONS.

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Section 1. Time of appointing electors.—The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President. (R. S. § 131; Jan. 19, 1896, c. 4, § 3, 24 Stat. 2.)

2. Number of electors.—The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives. (R. S. § 132.)

3. Vacancies in electoral college.—Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. (R. S. § 133.)

4. Failure to make choice on appointed day.—Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct. (R. S. § 134.)

5. Meeting and vote of electors.—The electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the legislature of such State shall direct. (Feb. 3, 1887, c. 90, § 1, 24 Stat. 373.)

6. Determination of controversy as to appointment of electors.—If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at

least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned. (Feb. 3, 1887, c. 90, § 2, 24 Stat. 373.)

7. Certificates of appointment of electors.—It shall be the duty of the executive of each State as soon as practicable after the conclusion of the appointment of electors in such State, by the final ascertainment under and in pursuance of the laws of such State providing for such ascertainment, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 6 of this title to meet, the same certificate, in triplicate, under the seal of the State; and such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of government the lists of all persons voted for as President and of all persons voted for as Vice President; and if there shall have been any final determination in a State of a controversy or contest as provided for in section 6 of this title, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made; and the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full; and at the first meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department. (Feb. 3, 1887, c. 90, § 3, 24 Stat. 373.)

8. Manner of voting.—The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution. (R. S. § 137.)

9. Making and signing certificates.—The electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President, and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State. (R. S. § 138.)

10. Sealing and indorsing certificates.—The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice President, are contained therein. (R. S. § 139.)

11. Transmission of certificates.—The electors shall dispose of the certificates thus made by them in the following manner: One. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge

of and deliver to the President of the Senate, at the seat of government, one of the certificates.

Two. They shall forthwith forward by the post office to the President of the Senate, at the seat of government, one other of the certificates.

Three. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble. (R. S. § 140; Oct. 19, 1888, c. 1216, § 1, 25 Stat. 613.)

12. Time for transmission of certificates to President of Senate.—The certificates and lists of votes for President and Vice President of the United States mentioned in this chapter shall be forwarded, in the manner herein provided, to the President of the Senate forthwith after the second Monday in January, on which the electors shall give their votes. (Oct. 19, 1888, c. 1216, § 1, 25 Stat. 613.)

13. District judge's list.—Whenever a certificate of votes from any State has not been received at the seat of government on the fourth Monday of the month of January in which their meeting shall have been held, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of government. (R. S. § 141; Oct. 19, 1888, c. 1216, § 2, 25 Stat. 613.)

14. Absence of President of Senate.—In case there shall be no President of the Senate at the seat of government on the arrival of the persons intrusted with the certificates of the votes of the electors, then such persons shall deliver such certificates into the office of the Secretary of State, to be safely kept, and delivered over as soon as may be to the President of the Senate. (R. S. § 143.)

15. Mileage of messengers.—Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list intrusted to him, 25 cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of government of the United States. (R. S. § 144.)

16. Forfeiture for messenger's neglect of duty.—Every person who, having been appointed, pursuant to subdivision 1 of section 11 of this title or to section 13 of this title, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of \$1,000. (R. S. § 145.)

17. Counting electoral votes in Congress.—Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of one o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules in this chapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the

persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 7 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 6 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 6 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of. (Feb. 3, 1887, c. 90, § 4, 24 Stat. 373.)

18. Preservation of order in joint meeting.—While the two Houses shall be in meeting as provided in sections 5 to 7 and 17 to 20, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw. (Feb. 3, 1887, c. 90, § 5, 24 Stat. 374.)

19. Limit of debate in each House.—When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and

Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate. (Feb. 3, 1887, c. 90, § 6, 24 Stat. 375.)

20. Seats for officers and Members of two Houses in joint meeting.—At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this chapter, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of ten o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House. (Feb. 3, 1887, c. 90, § 7, 24 Stat. 375.)

21. Vacancy in offices of both President and Vice President.—In case of removal, death, resignation, or inability of both the President and Vice President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior, shall act as President until the disability of the President or Vice President is removed or a President shall be elected: *Provided*, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting. (Jan. 10, 1880, c. 4, § 1, 21 Stat. 1.)

22. Officers eligible to act as President in case of vacancy.—Section 21 of this title shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively. (Jan. 19, 1880, c. 4, § 2, 24 Stat. 1.)

23. Resignation or refusal of office.—The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State. (R. S. § 151.)

Chapter 2.—OFFICE AND COMPENSATION OF PRESIDENT.

Sec.

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51. Inventory of public property.
52. Annual statement and inventory of stationary and fuel.
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41. Commencement of term of office.—The term of four years for which a President and Vice President shall be elected, shall, in all cases, commence on the 4th day of March next succeeding the day on which the votes of the electors have been given. (R. S. § 152.)

42. President's salary.—The President shall receive in full for his services during the term for which he shall have been elected the sum of \$75,000 a year, to be paid monthly, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion. (R. S. § 153; Mar. 4, 1909, c. 207, § 1, 35 Stat. 850.)

43. President's travelling expenses.—There may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding \$25,000 per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely. (June 23, 1906, c. 3523, 34 Stat. 454.)

44. Vice President's salary.—The Vice President shall receive in full for his services during the term for which he shall have been elected the sum of \$15,000 a year, to be paid monthly. (R. S. § 154; Feb. 26, 1907, c. 1635, § 4, 34 Stat. 993; Mar. 4, 1925, c. 549, § 4, 43 Stat. 1301.)

45. Salary of Secretary to President.—The salary of the Secretary to the President shall be at the rate of \$7,500 per annum. (R. S. § 155; Mar. 4, 1913, c. 140, 37 Stat. 913; Mar. 3, 1925, c. 468, § 1, 43 Stat. 1198.)

46. Detail of employees of executive departments to office of President.—Employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary. (June 12, 1922, c. 218, 42 Stat. 636; Feb. 13, 1923, c. 72, 42 Stat. 1227; June 7, 1924, c. 202, § 1, 43 Stat. 521; Mar. 3, 1925, c. 468, § 1, 43 Stat. 1198.)

47. Accommodations for horses, carriages, etc.—The Quartermaster General of the Army shall provide suitable accommodations for the horses, carriages, and other vehicles of the President and of the Executive Office, in the stables maintained in the District of Columbia by and for the use of his department. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1401.)

48. Public property in and belonging to Executive Mansion.—The steward, housekeeper, or such other employee of the Executive Mansion as the President may designate, shall, under the direction of the President, have the charge and custody of and be responsible for the plate, furniture, and public property therein, and shall, before entering upon the duties of the office, give bond for the faithful discharge thereof, said bond to be in the sum of \$10,000, and to be approved by the Secretary of War. A complete inventory, in proper books, shall be made annually in the month of June, under the direction of the officer in charge of public buildings and grounds, of all the public property in and belonging to the Executive Mansion, showing when purchased, its cost, con-